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9 **Attorneys for Plaintiff**
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEBRASKA**

13 **Garden City Boxing Club, Inc.,**

14 **Plaintiff,**

15 **vs.**

16 **Antonio Cortez, et al.**

17 **Defendants.**

18 **CASE NO. CV 07-0360 JFB-TDT**

19 **THIRD AMENDED STIPULATION**
20 **OF DISMISSAL OF PLAINTIFF'S**
21 **COMPLAINT AGAINST**
22 **DEFENDANTS ANTONIO CORTEZ**
23 **AND ZOILA CORTEZ, individually**
24 **and GUADALAJARA RESTAURANT,**
25 **INC., d/b/a GUADALAJARA**
26 **RESTAURANT & SPORTS BAR**

27 **IT IS HEREBY STIPULATED** by and between Plaintiff GARDEN CITY
28 BOXING CLUB, INC. and Defendant ANTONIO CORTEZ AND ZOILA CORTEZ,
individually and Guadalajara Restaurant, Inc., d/b/a Guadalajara Restaurant & Sports
Bar, that the above-entitled action is hereby dismissed **without prejudice** against
ANTONIO CORTEZ AND ZOILA CORTEZ, individually and d/b/a Guadalajara
Restaurant, Inc., d/b/a Guadalajara Restaurant & Sports Bar and subject to the Court's
jurisdiction to enforce the settlement agreement reached between the Parties.

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1 **IT IS FURTHER STIPULATED** that provided no Party referenced above has
2 filed a motion to reopen this action by January 1, 2009, this Court shall *not* have
3 jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with**
4 **prejudice**.

5 This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1).
6 Each Party referenced-above shall bear its own attorneys' fees and costs.
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10 Dated: September 3, 2008

s/ Thomas P. Riley

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

GARDEN CITY BOXING CLUB, INC.

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16 Dated:

s/ Eric R. Chandler

ERIC R. CHANDLER, ATTORNEY-AT-LAW

By: Eric R. Chandler

Attorneys for Defendants

ANTONIO CORTEZ AND ZOILA CORTEZ,

individually and d/b/a Guadalajara Restaurant, Inc.,

d/b/a Guadalajara Restaurant & Sports Bar

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22 **IT IS SO ORDERED:**
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26 s/ Joseph F. Bataillon

Dated: September 4, 2008

The Honorable Joseph F. Bataillon

United States District Court

District of Nebraska
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PROOF OF SERVICE (SERVICE BY MAIL)

1
2 I declare that:

3 I am employed in the County of Los Angeles, California. I am over the age of
4 eighteen years and not a party to the within cause; my business address is First Library
5 Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar
6 with this law firm's practice for collection and processing of correspondence/documents
7 for mail in the ordinary course of business.

8 On September 3, 2008, I served:

9
10 **THIRD AMENDED STIPULATION OF DISMISSAL OF PLAINTIFF'S**
11 **COMPLAINT AGAINST DEFENDANTS ANTONIO CORTEZ AND**
12 **ZOILA CORTEZ, individually and d/b/a GUADALAJARA**
13 **RESTAURANT, INC., d/b/a GUADALAJARA RESTAURANT & SPORTS**
14 **BAR**

15 On all parties in said cause by enclosing a true copy thereof in a sealed envelope
16 with postage prepaid and following ordinary business practices, said envelope was duly
17 mailed and addressed to:

18 Mr. Eric Chandler, Esquire
19 Eric Chandler, Attorney-at-Law
20 406 N. 130th Street, Ste. 101
21 Omaha, NE 68154

Attorneys for Defendants
Antonio Cortez and Zoila Cortez,
individually, and Guadalajara Restaurant,
Inc., d/b/a Guadalajara Restaurant &
Sports Bar

22 I declare under the penalty of perjury pursuant to the laws of the United States
23 that the foregoing is true and correct and that this declaration was executed on
24 September 3, 2008, at South Pasadena, California.
25

26 Dated: September 3, 2008

s/ Andrea Chavez

ANDREA CHAVEZ